



United States Department of the Interior
Bureau of Land Management



Environmental Assessment UT-060-2005-080

Finding of No Significant Impact and Decision Record

**Red Rock 4-Wheelers Jeep Safari and
Fall Campout 5-Year Permit Renewal**

Location: San Juan County, Utah

U.S. Department of the Interior
Bureau of Land Management
Monticello Field Office
Monticello, Utah
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Monticello Field Office

Finding of No Significant Impact/Decision Record

Determination

INTRODUCTION:

The Bureau of Land Management (BLM) has conducted an environmental analysis (EA # UT-060-2005-080) for use of a set of existing routes for the Proposed Action. The action would permit the Red Rock 4-Wheelers to use 4 routes (Lockhart Basin, Hotel Rock, Hole-in-the-Rock, and Arch Canyon) wholly within, or starting within, the Monticello Field Office to conduct an organized group event. Organized use of these routes for other non-competitive permitted motorized purposes would not be permitted under this EA, with the exception of Lockhart Basin (including the Chicken Corners segment), which would be permitted in the EA by the Moab BLM Field Office. The underlying need for the proposal would be met while accomplishing the following objectives:

1. Provide for public use and enjoyment
2. Minimize impacts to resources from the use of these routes by permittees

There are 4 Jeep Safari routes within, or originating within, the Monticello Field Office. These routes total approximately 70 miles in length. The EA is attached, and incorporated by reference in this Finding of No Significant Impact (FONSI) determination. A no action alternative and Reduced Route alternative were analyzed in the EA.

PLAN CONFORMANCE AND CONSISTENCY:

The proposed action and alternatives have been reviewed and found to be in conformance with the following BLM plan and associated Record of Decision:

The San Juan Resource Area RMP (March 1991), page 78, states: "Dispersed recreation use would be allowed throughout the San Juan Resource Area, with permits required for commercial use."

The decision is consistent with San Juan County's Master Plan (July, 1996), which identifies recreation and tourism as an economic opportunity. The plan calls for working to promote recreation and tourism within the county.

FINDING OF NO SIGNIFICANT IMPACT DETERMINATION:

Based upon a review of the EA and the supporting documents, I have determined that the project is not a major federal action and will not significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area. No environmental effects meet the definition of significance in context or intensity as defined in 40 CFR 1508.27 and do not exceed those effects described in the 1991 San Juan Resource Area RMP/FEIS. Therefore, an Environmental Impact Statement (EIS) is not needed. This finding is based on the context and intensity of the project as described:

Context: The project is a site-specific action directly involving approximately 70 linear miles of existing routes on BLM administered land. Permitted motorized use is stipulated, mitigated and controlled, and does not appreciably add to any impacts occurring along the 70 linear miles of Jeep Safari routes.

Intensity: The following discussion is organized around the Ten Significance Criteria described in 40 CFR 1508.27 and incorporated into BLM's Critical Elements of the Human Environment list (H-1790-1), and supplemental Instruction Memoranda, Acts, regulations and Executive Orders. The following have been considered in evaluating intensity for this proposal:

1. Impacts may be both beneficial and adverse. The proposed action would impact resources to a negligible degree as described in the EA. Mitigating measures to reduce impacts to wildlife, cultural, riparian, wilderness and water quality resources were incorporated in the design of the action alternatives. None of the environmental effects discussed in detail in the EA are considered significant, nor do the effects exceed those described in the San Juan Resource Area RMP/FEIS.

2. The degree to which the selected alternative will affect public health or safety. The proposed action is designed to provide permitted motorized recreation opportunities. It is not anticipated that there would be any significant health or safety issues arising from the implementation of the proposed action. No public health or safety issues were identified in scoping.

3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farm lands, wetlands, wilderness, wild and scenic rivers, or ecologically critical areas. The 70 miles of linear route lie adjacent to cultural resources. The SHPO has concurred that continued use of these routes has "No Potential to Adversely Affect" cultural resources, including those eligible for listing on the National Register of Historic Places.

The following Critical Elements of the Human Environment and Other Resource Issues are not affected because they are not present in the project area: Environmental Justice, Farmlands (Prime or Unique), Woodlands/Forestry, Paleontology, and Wild Horses and Burros.

In addition, the following Critical Elements of the Human Environment and Other Resource Issues, although present, would not be affected by this proposed action for the reasons listed in Appendix A of the EA (Air Quality, Areas of Critical Environmental Concern, Cultural Resources, Invasive and Non-Native Species, Wastes (Hazardous or Solids), Water Quality, Wilderness, Rangeland Health Standards and Guidelines, Livestock Grazing, Vegetation, Soils, Visual Resources, Geology, Mineral Resources, Lands/Access, Fuels/Fire Management, and Socio-economics).

The following critical Elements of the Human Environment and Other Resource Issues were shown to have potential impact from the action: Floodplains, Threatened, Endangered or Candidate Animal Species, Wetlands/Riparian Zones, Wild and Scenic Rivers, Fish and Wildlife, and Recreation. However, these impacts were not shown to be significant, as stated in the Monticello BLM Interdisciplinary Team Analysis

Checklist/Record. Therefore, none of these would be significantly impacted because mitigating measures and the resultant stipulations are sufficient to minimize potential impacts.

4. The degree to which the effects on the quality of the human environment are likely to be highly controversial. The environmental effects of issuing permits for motorized use are well understood and there is no controversy over the nature of the impacts, particularly because of the measures that will be employed to minimize environmental effects.

5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks. The action is not unique or unusual. The BLM has experience implementing similar actions in similar areas. For instance, the Jeep Safari has had a BLM permit for this type of use since 1985. The environmental effects to the human environment are fully analyzed in the EA. There are no predicted effects on the human environment that are considered to be highly uncertain or involve unique or unknown risks.

6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration. The selected alternative neither establishes a precedent for future BLM actions nor represents a decision in principle about future considerations (beyond those actions described in the EA.) The actions considered in the selected alternative were considered by the interdisciplinary team within the context of past, present, and reasonably foreseeable future actions. Significant cumulative effects are not predicted. A complete analysis of the direct, indirect, and cumulative effects of the selected alternative and all other alternatives is described in Chapter 4 of the EA

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts – which include connected actions regardless of land ownership. The interdisciplinary team evaluated the possible actions in context of past, present and reasonably foreseeable actions. Significant cumulative effects are not predicted. A complete disclosure of the effects of the project is contained in Chapter 4 of the EA.

8. The degree to which the action may adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources. The action will not adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places, nor will it cause loss or destruction of significant scientific, cultural, or historical resources. Consultation with the State Historic Preservation Officer (SHPO) has been completed in accordance with Section 106 of the National Historic Preservation Act; the SPHO has concurred with a “no adverse effect” on cultural resources (see Appendix H in the EA).

9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973, or the degree to which the action may adversely affect: 1) a proposed to be listed endangered or threatened species or its habitat, or 2) a species on BLM's sensitive species list. Mitigating measures to reduce impacts to wildlife and fisheries have been incorporated into the design of the action alternatives.

Mitigating Measures for Mexican Spotted Owl: If nesting pairs are located within 0.5 mile of a Jeep Safari route, consultation with U.S. Fish and Wildlife Service will be reinitiated, and the route shall be closed to permitted use from March 1 through August 31. There will be no pursuit of Mexican spotted owl, and no excessive noise will be allowed in their presence.

Mitigating Measures for Southwestern willow flycatcher: If nesting pairs are located within 0.25 mile of a permitted route, consultation with U.S. Fish and Wildlife Service will be reinitiated, and the route shall be closed to permitted use from May 1 to August 15. If Southwestern willow flycatchers are detected, permitted camping shall be suspended from May 1 to August 15.

Mitigating Measures for special status fish species: All trips on the Arch Canyon route will have proper clean up supplies to contain and remove spilled vehicle fluids. Spills in dry drainages must also be contained and removed.

Mitigating measures for bald and golden eagles, ferruginous hawks and burrowing owls: No vehicle or foot pursuit of these birds allowed. No excessive noise in the presence of these birds.

Endangered Species Act, Section 7 Consultation was initiated with the U.S. Fish and Wildlife Service (USFWS) on November 1, 2005; USFWS issued a Biological Opinion on January 19, 2006. The USFWS stated in that Opinion that the proposed action will not effect the black-footed ferret, Gunnison sage-grouse, and Jones cycladenia. USFWS provided a "May Effect but Not Likely to Adversely Affect" opinion on the following species: Colorado pikeminnow, razorback sucker, bonytail and humpback chub or their critical habitat, or the bald eagle. For two species (the Southwestern willow flycatcher and the Mexican spotted owl), the Service's biological opinion is that the proposed action is not likely to jeopardize the continued existence of these birds, and will not adversely modify or destroy designated critical habitat for the Mexican spotted owl.

10. Whether the action threatens a violation of a federal, state, local, or tribal law, regulation or policy imposed for the protection of the environment, where non-federal requirements are consistent with federal requirements. The project does not violate any known federal, state, local or tribal law or requirement imposed for the protection of the environment. State, local, and tribal interests were given the opportunity to participate in the environmental analysis process. Letters were sent to 12 Native American tribes concerning consulting party status; only the Zuni tribe responded by asking for a copy of the EA. In addition, the project is consistent with applicable land management plans, policies, and programs.

DECISION:

The decision of the Bureau of Land Management is to select the Proposed Action (as amended below) in the attached environmental assessment (EA) which is to renew the Red Rock 4-Wheelers five year special recreation permit. Mitigating measures that resulted in additional stipulations (stated below) are incorporated into this decision based on concerns raised in the EA. The entire set of stipulations (see attached) are included in this decision by reference.

Reasonable and Prudent Measures and Terms and Conditions identified by U.S. Fish and Wildlife Service in its Biological Opinion

Reasonable and Prudent Measures to minimize impacts of incidental take to the Mexican spotted owl and Southwestern willow flycatcher are:

1. The BLM shall implement measures to identify suitable and occupied habitats, and occupancy for the Mexican spotted owl and Southwestern willow flycatcher in the proposed action area.
2. The BLM shall implement measures to minimize harm or harassment of the Mexican spotted owl and Southwestern willow flycatcher due to proposed project activities.
3. The BLM shall implement measures to minimize habitat loss and degradation along proposed jeep routes and campground areas.

The following Terms and Conditions to implement the reasonable and prudent measures are as follows. These Terms and Conditions are nondiscretionary and are to be implemented in addition to the mitigating measures described above:

To implement Reasonable and Prudent Measure 1:

1. Potentially affected habitat will be surveyed according to accepted USFWS protocols for the Mexican spotted owl and Southwestern willow flycatcher. Suitable habitat areas should be re-surveyed every 5-7 years, as funding allows, to ensure current information on occupancy and habitat conditions.

To implement Reasonable and Prudent Measure 2:

1. A threatened and endangered species education program will be presented to all permitted guides or group leaders anticipated to be within federally listed species habitats during Jeep Safari activities.
2. All permittees shall be informed as to the definition of “take”, the potential penalties (up to \$200,000 in fines and one year in prison) for taking a species listed under the Endangered Species Act, and the terms and conditions provided in the biological opinion.
3. The BLM shall designate an individual as a contact representative who will be responsible for overseeing compliance with the Applicant Committed Measures and terms and conditions contained in the biological opinion, and providing coordination with the USFWS. The representative will have the authority to halt activities which may be in violation of these conditions.

4. If Mexican spotted owl occupancy is determined within 0.5 miles of a proposed route or designated campsite, permitted travel and campground use shall be restricted from March 1 to August 31 within 0.5 miles of the nest site while nesting is occurring.

5. If Southwestern willow flycatcher breeding/nesting territories are identified along or within 0.25 miles of the proposed routes, travel and dispersed camping shall be suspended within 0.25 miles of the identified location from May 1 to August 15.

To implement Reasonable and Prudent Measure 3:

1. The BLM shall continue to implement habitat monitoring along designated routes and campgrounds. If route widening or increased habitat degradation is identified, appropriate measures shall be identified and implemented to ensure habitat restoration. These measures may include but are not limited to education, signing, fencing, and temporary closures, or route modifications.

The BLM commits to notifying the USFWS Utah Field Office and its Division of Law Enforcement immediately whenever dead, injured, or sick listed species are located. In addition, the BLM commits to providing Mexican spotted owl and Southwestern willow flycatcher presence/absence surveys or habitat evaluation results to the USFWS' Utah Field Office. Survey results will be provided no later than December 31 of each year, in accordance with survey permit requirements. Also, any other observations of Mexican spotted owl and Southwestern willow flycatchers within the 0.5 miles of the proposed routes should be immediately reported to the USFWS Utah Field Office.

Authorities: The authority for this decision is contained in 43 CFR 2932.

Compliance and Monitoring:

BLM will monitor motorized permittees for compliance with stipulations. This would include accompanying or encountering permitted trips. Compliance monitoring may include unannounced accompaniments. A sample of eligible cultural sites would be monitored for degradation on heavily used routes over the length of this permit.

Recreation use would be monitored during Easter Jeep Safari for two years on a sample of the routes to ascertain if these actions are effective in reducing user conflict and route widening. In addition, selected Jeep Safari routes would be targeted to determine the ratio of private to permitted use, using statistical sampling techniques and traffic counters.

Stipulations

In addition to the mitigating measures developed for Special Status Species (see the Reasonable and Prudent Measures and Terms and Conditions identified by U.S. Fish and Wildlife Service in its Biological Opinion section) the following additional mitigating measures have been developed as part of the proposed action:

Mitigating Measures for Desert Bighorn, Deer, Elk and Pronghorn: No vehicle or foot pursuit of these animals will be allowed. No camping will be allowed within 0.5 mile of wildlife water sources

Mitigation Measures for Raptors: Groups must avoid disturbing raptors year-round, especially during nesting seasons (March 1-August 31). There will be no stopping within 0.25 mile of active raptor nests (indicated by fresh excrement and/or defensive bird behavior). An active nest site should be reported to the appropriate BLM office.

Mitigating Measures for Cultural Resources: To avoid damaging cultural sites that may be near Jeep Safari routes, the roadbed should not be widened by inappropriate passing or parking. An additional mitigating measure requires that guides be specifically instructed in proper cultural site visitation behavior.

These mitigating measures have been used to develop the Stipulations for Permitted Motorized Use, 2005. These stipulations are attached to this document.

Alternatives Considered:

Two alternatives were analyzed in full (Reduced Route Alternative and No Action). Four alternatives were considered, but eliminated from further analysis (Issuing a Ten Year Permit, Issuing a One Year Permit, Eliminating Routes within America's Redrock Wilderness Act, and the SUWA Alternative).

Reduced Route Alternative: The Reduced Route alternative in its entirety was not found to meet the Purpose and Need for the action. The mitigating measures developed for the proposed action fully addressed the impacts to all of the routes with the exception of the Tusher-Bartlett wash (near Highway 191), which is managed by the Moab BLM Office.

No Action Alternative: The No Action alternative is expected to be more impacting than the Proposed Action, because permitted use is more compliant than non-permitted use. Under the No Action alternative, all use would be private use. There would be no opportunity to impose stipulations or provide education to private users.

Ten Year/One Year Permit Alternative: The five year permit period has been shown to be effective because it allows for a more timely analysis relative to the changing needs of the recreating public. Should the RMP travel and transportation plan fail to designate particular routes or the RMP revision impose additional restrictions on motorized use, the Jeep Safari SRP and all other commercial and organized group permits will be revised to conform to these new restrictions.

Eliminating Routes Within America's Redrock Wilderness Act: Since existing RMPs and BLM policy do not require the BLM to manage lands other than Wilderness Areas and Wilderness Study Areas as wilderness resources, this alternative was eliminated from further analysis.

SUWA Alternative Based on Resource Concerns: Where resource issues could be substantiated, routes or portions of routes identified in this alternative were included in the Reduced Route alternative. In many cases, conflicts raised by SUWA could not be adequately supported with data or information to warrant further consideration for inclusion in this alternative. In addition, many of the routes identified by SUWA for deletion from the permit were important in order to meet the Purpose and Need of the applicant.

Rationale for Decision:

The proposed action will provide recreation opportunities to the public and an economic benefit to San Juan County. Over 1800 comments were received advocating the positive opportunities the events provide to individuals and families from all over the country.

The proposed action is in conformance with San Juan RMP and no appreciable environmental impacts associated with the proposed action were identified. No impacts were identified largely because the routes utilized by the Red Rock 4-Wheelers and other motorized permittees have been in existence for many years, and permittees ensure that the participants adhere to the requirement of staying on the routes as well as all other stipulations in the permit. BLM monitoring during the last 5 year permit cycle confirms adherence to stipulations.

The public was given an opportunity to raise issues during the scoping period, which was held from May 10 to June 10, 2005. One hundred and seventy six comments were received. This scoping period helped define the issues addressed in this EA. The EA was available for a 30 day public review period from September 29 to October 31, 2005. The EA was posted on the Moab/Monticello BLM website the day it was released; all scoping participants were informed of its release. A newspaper article was published in both the Moab and Monticello newspapers. Over 2000 comments were received. Comments were received from one Federal agency, one county agency, 22 local businesses, six environmental organizations, 12 OHV clubs and many private individuals.

The BLM's response to comments resulted in changes to the EA. A summary of Comments and Responses is provided in Section 5.3 of the EA.

Public concerns were raised about the potential effects to water, wilderness, wildlife and riparian resources. The BLM concludes that the mitigating measures attached as new stipulations to the permit will provide sufficient protection to these resources. Should it become apparent that use is resulting in unacceptable environmental impacts, a condition of the permit allows the BLM to change the terms of the permit at any time. Should the current Resource Management Plan revision process result in a Travel Management Plan that does not designate a permitted route, the permit will be revised immediately so that it conforms to the new RMP and its Travel Plan.

Appeals Language:

This decision to issue the Jeep Safari permit is effective upon the date it is signed by the authorized officer (January 23, 2006). As stated in the regulations (43 CFR 2831.8), the provisions of 43 CFR 4.21(a) do not apply, and the decision shall remain effective pending appeal unless the Board determines otherwise. Within 30 days of receipt of the decision, an appeal must be filed with: Interior Board of Land Appeals, Office of Hearings and Appeals, U.S. Department of the Interior, 801 North Quincy St., Suite 300, Arlington, VA 22203. A copy of the notice of appeal must also be filed in this office (Monticello BLM Field Office, 435 North Main, P.O. BOX 7, Monticello, UT 84535) as well as with: Office of the Solicitor, 125 S. State Street, Suite 6201, Salt Lake City, Utah, 84138. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition for stay pursuant to 43 CFR 3150.2(b), the petition for stay should accompany your notice of appeal and shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of irreparable harm to the appellant or resources if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

/s/ Sandra Meyers
Field Office Manager (Authorized Officer)

January 23, 2006
Date

Attachments:

Jeep Safari Maps

Response to Comments for EA # UT-060-2005-080

Stipulations for Permitted Motorized Use of Jeep Safari Routes